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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,425	02/26/2004	Cory Barnes		4775

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CORY BARNES
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NORTHAMPTON, MA 01060

EXAMINER

MAI, TRI M

ART UNIT	PAPER NUMBER
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3781

MAIL DATE	DELIVERY MODE
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05/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/787,425

Applicant(s)

BARNES, CORY

Examiner

Tri M. Mai

Art Unit

3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the carrying strap in claim 4, the snap in claim 7, the multiple positions in claim 8, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Claims 6, 14, 18, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

"Velcro" is a trademark name and can not be used in the claims.

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3. Claims 1, and 8 are rejected under 35 U.S.C. 102 (b) as being anticipated by Scicluna (2004/0112697). Scicluna teaches a bag having a rigid pocket 140 (note that the pocket is rigid by means of the stiffening panels 142 in Fig. 4, a padded sleeve 114 (by foam pad 120). Note that the claim only recited a protective case comprising only a rigid pocket and a sleeve, and the rigid pocket 140 and the padded sleeve 114 meets the claimed limitation. The larger bag is not being claimed at all. Furthermore it is submitted that the entire rigid pocket and the padded sleeve, along with the case 100 can be removably attached to another larger bag.

4. Claims 1, 8, 9, 16, 17, and 18 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Scicluna '697 as set forth above in paragraph 3, and further in view of Scicluna (6105764). Scicluna teaches that it is known in the art to provide a receptacle in Figs. 10 and 11 removably attached to the main receptacle (col. 6, ln, 6). It would have been obvious for one of ordinary skill in the art to provide the rigid pocket of Scicluna '697 removably attached to the main receptacle as taught by Scicluna '764 for convenience.

Regarding claim 16, Scicluna '764 teaches that it is known in the art to provide the receptacle inside a backpack (col. 3, ln. 30). To provide the receptacle inside a backpack would have been obvious to provide an alternative device.

Regarding claim 17, the fasteners 190 can be attached in a variety of positions as claimed.

5. Claim 17 and 18 are rejected under 35 U.S.C. 103 (a) as being unpatentable over the rejection of Scicluna '697 as set forth above in paragraph 4, and further in view of Hollingworth. It would have been obvious for one of ordinary skill in the art to provide fastening means by hook and loop fasteners as taught by Hollingworth, see Fig. 18, would have been obvious.

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6. Claims 2, and 10 are rejected under 35 U.S.C. 103 (a) as being unpatentable over the Scicluna '697 rejection as set forth in paragraphs 3 and 4, and further in view of Domke (4260004). It would have been obvious for one of ordinary skill in the art to provide the stiffening member from plastic as taught by Domeke, col. 3, ln. 33, to provide an alternative material for the stiffening member.

7. Claims 1-5, and 8-13 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Gold et al. (20040188203) in view of Jacober, or in the alternative under 35 U.S.C. 103 (a) as being unpatentable over Jacober in view of Gold et al. '203. Gold teaches a case with a removable rigid pocket (note the pocket is rigid, pg. 2, para. 13). Gold meets all claimed limitations except for a padded sleeve. Jacober teaches that it is known in the art to provide a sleeve 23 (col. 3, ln. 33) with a closing flap. It would have been obvious for one of ordinary skill in the art to provide a removable padded sleeve with a closing flap as taught by Jacober to enable one to enable on to transport the desired contents easily.

Regarding claim 2, it would have been obvious to one of ordinary skill in the art to make the pocket 13 out of plastic to provide the desired material.

Regarding claim 5, the limitations "the closing flaps closes against the rigid pocket" does not impart any structure over the combination of Jacober in view of Gold or Gold in view of Jacober. The closure flaps of portion 23 of Jacober would inherently is enclosed and in contact with the rigid pocket of Gold as claimed.

Regarding claims 9, and 18, Gold also teaches additional hard pockets can be attached inside the bag (page 3, pg. 30).

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8. Claims 3-6, and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Gold rejections, as set forth in paragraph 7, and further in view of either Skamser (4578814) or Lyman (4988216). It would have been obvious to one of ordinary skill in the art to provide a closure flap with hooks and loops as taught by either Skamser or Lyman to provide an alternative closure for the insulated container.

9. Claims 3-5, 7, 11-14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Gold rejections, as set forth in paragraph 7, and further in view of Washburn (1753813). It would have been obvious to one of ordinary skill in the art to provide a closure flap with snap fastener as taught by Washburn to provide an alternative closure for the insulated container.

10. Claims 1, 2, 8-10, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koepke in view of Leiserson (4463789). Koepke teaches a case with a rigid pocket 10 made from plastic (col. 1, ln. 61), a removable sleeve 12. It would have been obvious to one of ordinary skill in the art to provide padding in the sleeve 12 of Koepke to provide added protection.

“Velcro-compatible fabric” does not require any type of attachment at all. The fabric in Koepke is compatible as claimed.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tri M. Mai
Primary Examiner
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